

STATE HUMAN RIGHTS
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Harrisonburg

Donald Lyons
Hillsville

Jannie Robinson
Chesapeake

Frank Royal, Jr.
Richmond



COMMONWEALTH of VIRGINIA

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MINUTES
STATE HUMAN RIGHTS COMMITTEE

DBHDS Central Office, Jefferson Building
Commissioner's Board Room (13th floor)
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Richmond, Virginia
23219

Friday, January 27, 2012

Administrative Session AGENDA

8:30 a.m.

Members Present Christina Delzingaro, **Chair**, Randy Johnsey, **Vice-Chair**, Penny Cameron, Joseph Lynch, T.C. Bullock, Carolyn DeVilbiss, Jannie Robinson and Frank Royal

Members Excused Donald Lyons

OHR Staff Present Karen DeSousa, DBHDS Special Counsel
Michael Curseen, Region 4 Human Rights Regional Advocate
Reginald Daye, Region 5 Human Rights Regional Advocate
Carrie Flowers, Human Rights Advocate
Beverly Garnes, Human Rights Manager
Deb Lochart, Region 2 Human Rights Regional Advocate
Tammy Long, Human Rights Advocate

Others Present Erin Haw, Disability Rights Advocate, Va Office of Protection and Advocacy
Mark Stevens, Disability Rights Advocate, Va Office of Protection and Advocacy

At 8:35 a.m. Christina Delzingaro called the January 27, 2012 State Human Rights Committee meeting to order. Introductions took place prior to proceeding.

Approval of Agenda	At 8:36 upon a motion the January 27, 2012 amended agenda was approved unanimously.
Information	<p>At 8:37 the SHRC acknowledged receipt of VCBR Appeal Responses processed since the last SHRC meeting. Tammy Long, Human Rights Advocate, spoke briefly about the flow of complaints and appeals filed by the residents of VCBR.</p> <p>At 8:40 Christina Delzingaro read a thank you letter for the VCBR Resident Advisory Council (RAC).</p> <p>Joe Lynch presented a draft response to the VCBR RAC in follow-up to the December 9, 2011 meeting in which the RAC discussed concerns with the SHRC.</p> <p><i>Upon a motion by T.C. Bullock and seconded by Penny Cameron the SHRC voted unanimously to accept the response and send it to the VCBR RAC with a thank you letter.</i></p>
Goals Workplan	At 8:42 the SHRC reviewed the Goals Workplan spreadsheet.
LHRC Vacancy Tracking	At 8:43 Joe Lynch provided an update of LHRC Vacancy tracking.
Update on DOJ Negotiations and Annual FOIA Training	<p>At 8:45 Karen DeSousa, Special DBHDS Counsel, updated the committee on negotiations with the Department of Justice and provided annual FOIA training to the SHRC.</p> <p>At 9:10 the SHRC discussed providing an SHRC packet to the VCBR RAC. A packet will be sent to RAC and a copy will be provided in a place accessible to VCBR residents.</p> <p>At 9:15 Christina Delzingaro reminded the committee that John Pezzoli plans to attend the March 9, 2012, SHRC meeting in Staunton to discuss patient funds. Ms. Delzingaro requested that Mr. Pezzoli be asked to discuss patient transfers and flow through at that time as well.</p> <p>At 9:16 Christina Delzingaro asked that DBHDS staff be present at the March SHRC meeting to discuss VICAP (Virginia Independent Clinical Assessment Program) and issues relevant to children aging out of services. The SHRC is also interested in ensuring that CSBs and facilities share information with consumers about available services, especially services and service providers that may not be specifically asked for by consumers.</p>
Adjournment	At 9:25 the Administrative Session Adjourned. Christina Delzingaro announced that the Regular Session would convene at 9:35.

Regular Session

9:35 a.m.

Members Present	Christina Delzingaro, Chair , Randy Johnsey, Vice-Chair , Penny Cameron, Joseph Lynch, T.C. Bullock, Carolyn DeVilbiss, Jannie Robinson, Frank Royal
Members Not Present	Donald Lyons
OHR Staff	Michael Curseen, Regional HR Advocate, Region 4 Reginald T. Daye, Region 5 Regional Human Rights Advocate Carrie Flowers, Human Rights Advocate Beverly Garnes, Human Rights Advocate Kli Kinzie, Executive Secretary Deb Lochart, Region 2 Regional Human Rights Advocate Tammy Long, Human Rights Advocate, Region 4
Other DBHDS Staff	Karen DeSousa, DBHDS Special Counsel Vicki Montgomery, Facility Director, Central State Hospital Dick Roberts, Resident Relations Liaison and Resident Safety Coordinator, Eastern State Hospital Les Saltzberg, Director, Office of Licensing James W. Stewart, Commissioner Rebecca Stredney, Clinical Director, Eastern State Hospital
Others	Erin Haw, Disability Rights Advocate, Va Office of Protection and Advocacy Josephene Johnsey, Interested Person Cedric Moore, Spectrum Transformation Group, LLC Mark Stevens, Disability Rights Advocate, Va Office of Protection and Advocacy
Present via Teleconference	K.D., Complainant Stewart Prost, Human Rights Advocate
Call to Order	At 9:39 Christina Delzingaro called the Regular Session of the January 27, 2012 SHRC meeting to order.
Welcome: Commissioner Stewart	<p>Ms. Delzingaro welcomed Mr. Jim Stewart, Commissioner, to the SHRC meeting. Jim Stewart welcomed the SHRC to Richmond and thanked the human rights advocates for their work on behalf of those receiving services.</p> <p>Mr. Stewart reported on the department's recent settlement with the Department of Justice. Mr. Stewart also briefed the SHRC on current initiatives and encouraged those present to go to the department's web site for information on the Creating Opportunities plan and other department activities.</p>

Minutes Approval	<i>At 10:00 upon a motion by T.C. Bullock and seconded by Frank Royal the SHRC approved the December 9, 2012 SHRC Minutes unanimously.</i>
Licensing Update	At 10:05 Les Saltzberg, Director, Office of Licensing, provided an update on the activities of the Office of Licensing.
Public Comment	At 10: 30 Christina Delzingaro called for Public Comments. No public comments were offered.
ICFMR Model Variance	At 10:30 the SHRC reviewed a request for use of the model OCFMR Variance from Northern Virginia Training Center (NVTC). <i>Upon a motion by Randy Johnsey and seconded by Carolyn DeVilbiss the SHRC unanimously approved the NVTC request for use of the Model ICFMR Variance.</i>
Variance Expiration	At 10:32 Reginald T. Daye, Regional Advocate, Region 5, briefed the SHRC on the Virginia Beach Department of Human Services' use of the Variance to 12 VAC 35-115-50, C7 & C8 Phone and Visitation. The Variance approval expired in April, 2011. A letter was sent by the program to the SHRC on January 23, 2012, requesting extension of the variance. The Virginia Beach Department of Human Services' Board of Directors met on January 26, 2012 and discussed continuing use of the variance. As of January 27, 2012, the program has not submitted documentation on the variance request to the LHRC. Mr. Daye reported that the LHRC will meet within the next two weeks and review the variance request before forwarding its recommendation to the SHRC. Mr. Daye stated that there have been no reported violations of the variance. <i>Upon a motion by T.C. Bullock and seconded by Randy Johnsey the SHRC unanimously voted that the variance remain expired. Review of the program's request for use of the variance and of the LHRC's recommendation concerning reinstatement of the variance will be placed on the agenda for the March 9, 2012 SHRC Meeting.</i>
Variance Annual Report: Virginia Beach Psychiatric Center	At 10:38 Reginald T. Daye, Regional Advocate, Region 5, presented the Annual Report for Virginia Beach Psychiatric Center's Variance to 12 VAC 35-115-110 Structured Living Program. Mr. Daye reported that there have been no reported violations of the use of the variance. <i>The Annual Report from Virginia Beach Psychiatric Center for the use of Variance to 12 VAC 35-115-110 for the Structured Living Program, was noted for the record.</i>
Variance Annual Report:	At 10:40 Reginald T. Daye presented the Annual Report for Harbor Point Behavioral Health Center's Variance to 12 VAC 35-115-110 Structured

Living Protocol. Mr Daye reported that the program's census has been down. Staff of the program feel that continued use of structured living is necessary for both campuses.

The Annual Report from Harbor Point Behavioral Health Center for the use of Variance to 12 VAC 35-115-110 for the Structured Living Protocol, was noted for the record.

**Reporting on
Attending LHRC
Meetings**

At 10:43 Christina Delzingaro reported that she attended a meeting of the Region Ten LHRC. Ms. Delzingaro reported that Mark Seymour, Human rights Advocate, is very good at using what was going on at the meeting as teaching points and using meeting business as examples for making points about the human rights program. The LHRC meeting went well, however, the LHRC has not has a quorum since June, 2011, which means that they have not been able to accept affiliations, etc. The LHRC has been noting their recommendations on business activity and will make motions and vote when there is a quorum present.

No other SHRC members reported on attending LHRC meetings.

Appeal: ESH: K.D.

At 11:00 the SHRC reviewed the appeal of K.D. v. Eastern State Hospital (ESH). This case came before the SHRC on appeal of the decision of the ESH LHRC following a fact finding hearing that took place on October 20, 2011. K.D. presented the case on her own behalf via telephone with support from Mr. Stewart Prost, Human Rights Advocate. Dick Roberts, Resident Relations Liaison and Resident Safety Coordinator, ESH, represented the facility.

At the request of K.D., the hearing was held in closed session. SHRC members present were Christina Delzingaro, Randy Johnsey, Thomas C. Bullock, Penny Cameron, Carolyn DeVilbiss, Joseph Lynch, Jannie Robinson and Frank Royal. Also present were Karen DeSousa, Special Counsel, Mark Stevens, Disability Rights Advocate, VOPA, Erin Haw, Disability Rights Advocate, VOPA, Reginald T. Day, Regional Advocate, region 5, and Kli Kinzie, Secretary, Office of Human Rights.

Upon a motion by Randy Johnsey and seconded by Carolyn DeVilbiss the State Human Rights Committee convened in Closed Session pursuant to Virginia Code, 2.2-3711(15), for the purpose of discussion or consideration of medical and mental records excluded from the Virginia Freedom of Information Act.

Upon reconvening in public session, the SHRC unanimously certified that to the best of each SHRC member's knowledge only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the Closed Session were discussed in the Closed Session.

By a vote of 8-0, the SHRC upheld the findings and recommendations of the ESH LHRC. The SHRC also voted to highlight LHRC recommendation number three, which is that the Hospital review its limits on excessive personal property. The issuance of this decision completes the complaint resolution process under 12 VAC 35-115 et seq., and the individual's appeal rights under 12 VAC 35-115-210.

Forensic Waiting Lists

At 11:50 Vicki Montgomery, Director, Central State Hospital, introduced Dr. Rebecca Stredney, who was present to represent Jack Wood, Director, Eastern State Hospital.

Dr. Vicki Montgomery briefed the SHRC on the status of forensic waiting lists at CSH. The facility has accommodated the need for additional beds on the civil side from other placements, and good progress has been made with referrals for services in jails. Dr. Rebecca Stredney, reported that ESH has made a significant increase of services available in jails.

Christina Delzingaro thanked Dr. Montgomery and Dr. Stredney for coming to meet with the SHRC. It was good to hear about the positive changes being made. Penny Cameron offered her congratulations and other SHRC members gave positive remarks.

Break for Lunch

12:10 BREAK FOR LUNCH

Sub-Committee \ Reports

At 12:28 Christina Delzingaro called the meeting to order. The SHRC read a note from Nancy C. Neese, Regional Human Rights Advocate, Region 3 regarding Catawba LHRC. Michael Curseen, Regional Human Rights Advocate, Region 4, reported that he and Kevin Paluszak, Regional Human Rights Advocate, Region 6, are working together on consolidation of LHRCs.

Christina Delzingaro provided a brief update on LHRC Structure. .

At 10:30 Carolyn DeVilbiss reported that she has not received comments or suggestions on improving communications. The SHRC may wish to send something out with the next newsletter.

Joe Lynch reported that the Vacancy Tracking sheet has been updated and the newsletter has been posted on the department's web site.

Frank Royal reported on the activities of the Officers and SHRC Membership Committee and verified what qualifications are needed in support of the SHRCs roles. Kli Kinzie drafted a Vacancy Announcement for the web and sent a request for SHRC feedback on officers for the upcoming term.

LHRC

At 12:40 the SHRC considered LHRC Membership.

**Membership
Appointments:**

Upon a motion by Randy Johnsey and seconded by Jannie Robinson the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(1) for the purpose of discussion and consideration of appointments and reappointments to Local Human Rights Committees.

Upon reconvening each member certified that to the best of each member's knowledge only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in closed session.

Upon a motion by Randy Johnsey the SHRC unanimously made the following appointments:

Region 4

Central Area LHRC

Appoint: Mr. Louis Cei

Commonwealth LHRC

Appoint: Ms. Megan Stucke, Ms. Taneika Goldman

Henrico LHRC

Appoint: Mr. George Brown

Metro Richmond LHRC

Appoint: Ms. Gina M. Koko, Mr. Arthur Peebles

Metropolitan LHRC

Appoint: Ms. Britney Chadwick, Ms. Monique Tinsley

Tuckahoe LHRC

Appoint: Mr. Stephen Donald Dawe

Region 5

Southeast Alliance LHRC

Appoint: Ms. Michelle Guide

Chesapeake Regional LHRC

Reappoint: Mr. Jeremiah Williams

Southeastern Va Training Center

Appoint: Mr. Mark T. Douglas

Bay Area LHRC

Appoint: Ms. Taylor Bervine

Region 6

Central Virginia Training Center LHRC

Appoint: Dr. Vishnu Vyas

VCBR

At 12:45 Dr. Anita Schlank, VCBR, spoke with the SHRC about resident participation in treatment, treatment phase setup, and clinical justification for administrative segregation at VCBR. Tammy Long, Human Rights Advocate, was also present to answer questions from the committee.

Christina Delzingaro asked about changes in the structure of treatment planning. The SHRC talked with Dr. Schlank about current issues at VCBR. The committee will work on suggestions for revising the Administrative

Segregation policy.

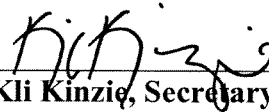
Adjournment

At 1:30 the January 27, 2012 SHRC meeting adjourned. The next SHRC meeting will be held on Friday, March 9, 2012 at Western State Hospital in Region 1.

Respectfully Submitted:



Christina Delvingaro, Chairperson



Kli Kinzie, Secretary